

**subdivide . . . . .**

**so you want to**

CA20N  
MA51  
70559

**SUBDIVISION  
PROCEDURES**











**so you want to subdivide . . .**

minister      W. Darcy McKeough  
deputy minister      W. H. Palmer  
director      D. F. Taylor  
community planning branch  
department of municipal affairs

801 bay street, Toronto  
march 1970

cheque or money order payable to  
the provincial treasurer at above  
address      price \$2.00



0420N  
H451  
70559

Government  
Publications

Ont. Municipal Affairs Dept. Community Planning  
Canada  
Federal publication I G-15

# SUBDIVISION PROCEDURES



# **contents**



introduction	page 7
summary of subdivision procedures	10
• pre-application	14
• application	19
key plan	20
draft plan	22
amendments and revisions	36
• draft plan study	40
study process	41
• draft approval	44
the minister and the subdivider	46
the municipality and the subdivider	50
withdrawal of draft approval	52
• final approval	56
copies and certificates	56
letters of clearance	58
approval of plan	58
disposition of copies	58
changes to final plans	60
withdrawal of final approval	60
authority	64
subdivision	68
administrative districts	84



# introduction



This handbook is designed for those who work together in the planning and building of subdivisions. It is based on the planning act and covers the normal procedures for preparing plans of subdivision and submitting them to the minister of municipal affairs for approval.

The procedures for subdividing land were relatively simple in the late 1800's and early 1900's when our society was predominantly agricultural. The chief purpose then was to facilitate the transfer of ownership and avoid confusion in the registering of deeds by adequate surveying and recording.

By creating a demand for substantial concentrations of new development at one time — instead of just a few lots — the population expansion of post-war years altered previous patterns of subdividing. With many larger plans being registered, the scope of the subdivision process had to be broadened to embrace such paramount concerns as neighbourhood design, public health, welfare and safety, and the ability of municipalities to provide a range of public services to meet the needs of people today.

The subdivision procedures outlined in this handbook reflect these concerns. The recurring theme is co-operation among developer, local government and the minister as partners in the development of our communities. Together they share a responsibility to establish and provide necessary subdivision standards that help in creating neighbourhoods that are not only well conceived but economical for the community to maintain.

Such standards can be met consistently when the subdivision of land takes place by registered plan and within the context of municipal, regional and provincial planning and development programs. Experience has shown a registered plan of subdivision to be the best device for describing property, establishing good title and otherwise protecting the legitimate interests of the developer, the purchaser and the public. Other plans are sometimes mistakenly used for this purpose. They must not be confused with a plan of subdivision which is more than just a property description.

Subdivision design is only touched on as it will be dealt with in another booklet.

Special circumstances may require some departure from normal subdivision procedures — these should be discussed with staff of the community planning branch.







# **summary of subdivision procedures**



# **summary of subdivision procedures**

## **pre-application**

- Feasibility study by subdivider • economic justification • plan location • timing and land use.

Following above study, subdivider discusses broad outline of plan with local planning board or council to learn whether location, land use and timing of development are acceptable in principle.

## **draft plan**

- Subdivider submits a draft plan of subdivision with a boundary survey and information required by section 28(2) of the planning act, to the community planning branch for approval.



## **final plan**

- Subdivider submits final plan to community planning branch for approval.
- Subdivider arranges for letter to be mailed from municipality to community planning branch informing that conditions of approval are completed or agreements made.
- Community planning branch arranges for approval of the final plan.
- In registry office areas, final plans are returned on the day of approval by hand (if instructed) or by express, and a copy sent to the registrar.
- In land titles areas, final plans are delivered daily to the Toronto or regional inspector of titles who informs when the subdivider can pick them up.

## **draft study**

- Community planning branch sends draft plan to local councils or planning boards, school board, water resources commission, medical officer of health, department of highways and other provincial and federal departments and agencies.
- Community planning branch acts after reports and recommendations received from each of above agencies: ● approves draft plan with conditions ● rejects with reasons.

## **draft approval**

- After approval of the draft plan, the subdivider may ● rough grade roads ● authorize survey and monumenting of plan ● carry out those conditions which can be completed ● make a written agreement with the municipality to complete all other conditions ● have final plan prepared.







**pre-application**



There are certain details an owner should be aware of before making application to the minister for approval of a plan of subdivision. They will help him to decide whether he should proceed with a subdivision application. He should know:

△ the physical and economic conditions that will have an effect on the proposed plan of subdivision.

△ that the proposed plan conforms with the general intent and purpose of an official plan which:

- is being prepared
- is in force
- is being amended or revised

△ that the subdivision plan does not conflict with local by-laws, especially zoning by-laws.

△ that necessary municipal sanitary sewers, storm sewers and water mains can be extended to the property.

△ that such community services as water pollution control plants, filtration and pumping equipment, sewer and water mains, schools, parks and recreation programs, road systems, etc., can meet the needs of the plan or can be enlarged or extended to do so.

△ that the proposed road pattern and land uses are satisfactory.

This is all informal and exploratory but it could save much time, effort and later expense. Some municipalities may want sketches of proposed subdivisions to give them a better preliminary idea of what is involved.



Binding commitments should not be made between a subdivider and a municipality at this stage. A clear understanding of what is proposed, what is possible and what is acceptable is the aim of the pre-application procedure.





**application**



January 15, 1969.  
10 Melrose Road,  
Thurso, Ontario.

The Department of Municipal Affairs,  
Community Planning Branch,  
801 Bay Street,  
Toronto 181, Ontario.

Dear Sirs:      Re: Proposed subdivision of part  
of Lot 12, Con. XIII, Township  
of Leduc, now in the Town of  
Thurso.

Enclosed please find 12 copies of the draft plan of  
proposed subdivision of part of Lot 12, Con. XIII,  
Township of Leduc, now in the Town of Thurso, for your  
approval.

Yours very truly,

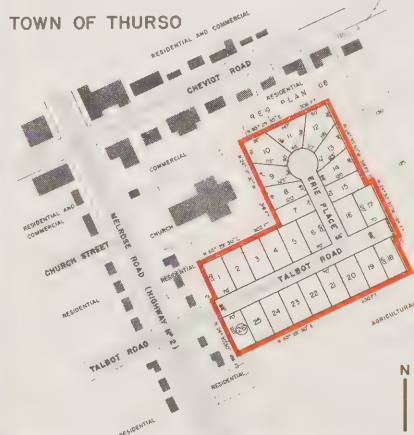
*J. J. Jones*

John J. Jones.

# DRAFT PLAN OF SUBDIVISION

PART OF LOT 12 CON. XIII

TOWN OF THURSO



KEY PLAN

## ADDITIONAL INFORMATION

UNDER SECTION 28(2) OF THE  
PLANNING ACT

- a AS SHOWN ON DRAFT PLAN
- b SHOWN ON KEY PLAN
- c AS SHOWN ON DRAFT AND  
KEY PLANS
- d RESIDENTIAL, SINGLE FAMILY
- e TO NORTH AND WEST, RESIDENTIAL  
AND COMMERCIAL, TO SOUTH  
AND EAST, AGRICULTURAL
- f AS SHOWN ON DRAFT PLAN
- g AS SHOWN ON DRAFT AND  
KEY PLANS
- h MUNICIPAL PIPED WATER AVAILABLE  
AT THE TIME OF DEVELOPMENT
- i CLAY LOAD-PERCOLATION TESTS  
ATTACHED
- j AS SHOWN ON DRAFT PLAN
- k SANITARY AND STORM SEWERS,  
GARBAGE COLLECTION, FIRE  
PROTECTION, RECREATION  
PROGRAM, LIBRARY ETC
- l NONE

## OWNER'S AUTHORIZATION

I AUTHORIZE *J. J. Jones*  
TO PREPARE AND SUBMIT  
THIS DRAFT PLAN OF  
SUBDIVISION TO THE  
MINISTER OF MUNICIPAL  
AFFAIRS FOR APPROVAL  
JAN 15, 1969 *J. J. Jones*

## SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE  
BOUNDARIES OF THE  
LAND TO BE SUBDIVIDED  
ARE CORRECTLY SHOWN  
JAN 15, 1969 *J. J. Jones*  
*D. S.*

If, after the informal discussions, the owner should now decide to subdivide his land, an application should be made to the minister for approval of a plan of subdivision. It should consist of:

- △ A letter requesting approval.
- △ At least 12 copies of the proposed plan of subdivision and 12 copies of a key plan showing the location of the subdivision.
- △ The owner's signature, or his written authorization if he does not make the application himself.
- △ Certification, by a licensed land surveyor, of the boundary of the land to be subdivided.
- △ All of the information required under subsections (1) and (2) of section 28 of the planning act (see page 64).

The following description of a key plan and plan of subdivision should be helpful in understanding the kind of information required under section 28.



# key plan

A key plan is needed to show the relative location of proposed plans of subdivision — whether they are near existing development — as well as the location of all land in the area owned by the subdivider. The area within one-half mile of a proposed subdivision should be included and the scale of a key plan should not be less than 1 inch = 1000 feet.

The key plan should clearly show:

△ the scale of the plan.

△ a north point — this should point in the same direction on both the key plan and on the larger scale plan of subdivision.

△ all municipal boundaries within the area shown on the key plan.

△ the proposed subdivision site.

△ enough information so that the site can be found for inspection; e.g. highways, street names, bridges, railways, buildings.

△ the original township lot number and concession lines.

△ every adjoining subdivision.

△ all adjoining land either owned by the subdivider or in which he has an interest.

△ all important features in or near the subdivision site, such as railways and railway crossings, highways, roads, water courses, shorelines, flood lines, gulleys, embankments, bridges, general land uses, schools and parks.



KEY PLAN



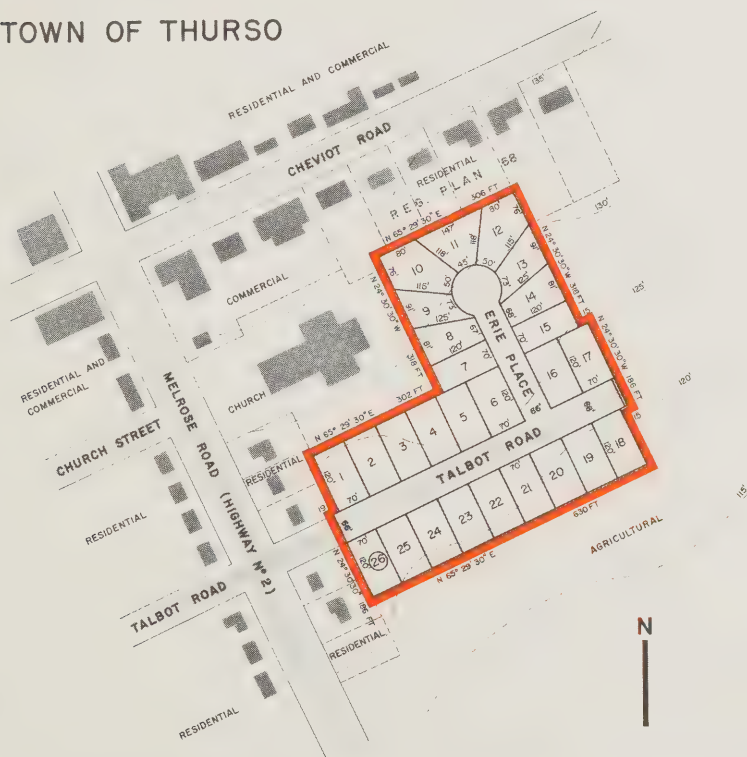
## **draft plan**

A draft plan of subdivision shows proposed street layouts, the size and shape of building lots and blocks, the school and park sites within or adjacent to the subdivision, adjacent registered plans, registered or public road allowances, land uses, topography, site drainage and the character of the site.

# DRAFT PLAN OF SUBDIVISION

PART OF LOT 12 CON. XIII

TOWN OF THURSO





Requirements of draft plan submission are:

**date** The date of the draft plan should be shown.

**title** The title should include a reference to the original township lot and concession, or crown grant, in which the proposed plan of subdivision is located and the name of the existing municipality.

**scale** The scale used should be indicated and should not be larger than necessary to show all information clearly. Smallest acceptable scale is 1 inch = 200 feet.

**copies** At least 12 copies should be included with the application. More copies will be requested if needed. In addition, the following details, listed here in alphabetical order, should be included in every draft plan of subdivision:

**access to the site** ☐ **if by road:** the width and location of all road allowances and rights-of-way must be shown, together with a note that they are open for use, privately or publicly owned, privately or publicly maintained.

☐ **if by water:** the location, size and ownership of a mainland parking area, the location of roads giving access to the parking area and whether the roads are publicly or privately owned.

**boundaries** □ **site boundaries:** the planning act requires that the boundaries of all draft plans of subdivision be certified by a licensed land surveyor. These boundaries should be outlined in colour, or otherwise distinctively shown, and there should be enough measurements to permit comparison with other known boundaries.

□ **municipal boundaries.** all municipal boundaries within or in near proximity to a proposed plan of subdivision should be clearly shown on the plan.

**contours** □ Contours, spot elevations or a full verbal description of each subdivision site must be provided so that drainage patterns, road and service locations and gradients, and the general physical form of the site can be readily understood.

□ Many municipalities have an established survey datum. Subdivision contours should be based on the same datum where it exists or on the datum established by the geodetic survey, where available.

□ The interval between contour lines or spot elevations will depend on the site. An interval of 5 feet is usual for even, unbroken land. More rugged property will require a closer interval — perhaps 2 to 2½ feet.

□ Contour lines and spot elevations should be extended beyond the boundaries of all proposed plans of subdivision.

## **easements, rights-of-way and restrictive covenants**

Whenever easements, rights-of-way or restrictive covenants exist, their location, width, purpose and nature shall be either shown on a draft plan or described. Unopened road allowances and reserves should also be shown.



**final grades** If the natural grades of a site have been, or are to be, altered by cut or fill operations, the areas to be affected shall be outlined on the draft plan and elevations of the intended finished grades should be shown as well as the natural elevations.

**garbage disposal** Each application should include a statement about the means of available garbage disposal; e.g. none, public services, private contract, direct disposal by property owner at a public dump, etc.

**land uses** The boundaries of proposed land uses within each subdivision must be clearly shown, together with an indication of existing land uses adjacent to the site.

**lot sizes** The approximate width and depth of each lot on a proposed plan of subdivision must be either shown on the plan or be described by a general statement. For example: all single-family dwelling lots will be approximately . . . feet wide and . . . feet deep.

**public open space** If public open space is to be included in a plan of subdivision, its location and size must be shown together with its approximate area and the intended means of access.

## **railways, limited access roads and airports**

Whenever a plan of subdivision is proposed adjacent to a limited access road, railway right-of-way or is likely to be affected by the operations of an airport the following information must be included:

- ☐ spot elevations so that rail bed and limited access road grades can be compared with proposed finished subdivision grades.
- ☐ all cuts, embankments and bridge abutments.
- ☐ the location of the nearest level crossing if within one-half mile.
- ☐ whether any rail crossings proposed in a subdivision are now open for public use and whether there are any restrictions against the use of an approved crossing by a greater number of persons or vehicles.
- ☐ a statement of the number and type of trains using the trackage in an average 24-hour period.
- ☐ the peak volume of traffic using any limited access road.
- ☐ the location of the plan of subdivision relative to airport flight patterns.
- ☐ the number and type of aircraft normally using the runways that could affect a subdivision.



## roads and road allowances

☐ **existing:** The width and location of all existing roads, high-ways, lanes and rights-of-way giving access to a proposed plan of subdivision or lying adjacent to its boundary must be shown.

☐ **new:** The width and location of all proposed road allowances within the plan must also be shown. It should be clear from the draft plan whether these proposed roads will be constructed on allowances for roads reserved in original surveys, as shown in official survey documents.

☐ **original road allowances:** These were provided for in the original survey of the area and where they exist they must be shown. It should be clear from the draft plan that:

- they do, or do not, lead to the bank of any river or stream or to the shore of any lake or other water. If so, the approximate distance of any bank or shore from the plan of subdivision must be noted, especially if the plan is not adjacent to either.
- action is being, or has been, taken to properly close those road allowances leading to the bank of any river or stream or to the shore of any lake or other water. The authority for this is in the municipal act and the minister deals with applications to the lieutenant-governor for orders authorizing the closing of such road allowances.
- if they are laid out along the bank of any river, stream or other water, the high water mark (water's edge) and all private and crown reserves should be shown.
- no lots on a proposed plan of subdivision shall include road allowances that have not been properly closed. Approval of a draft plan will not be given until the road allowances have been duly closed.

☐ **previously registered:** If a proposed plan of subdivision includes a previously registered road allowance and it is intended to widen, alter, divert or stop up any part of it by a by-law of council,

approval of the by-law by the minister is required under the municipal act if the road is on a plan of subdivision registered after march 27, 1946. This could apply to road allowances in registered plans of subdivision deemed not to be registered for subdivision control purposes. Whether it does, however, will likely require a legal opinion.

□ **ownership and maintenance:** Whether all road allowances leading to and within a plan of subdivision are privately or publicly owned and maintained must be clearly stated on the plan. The dedication of a road allowance for public purposes by a registered plan of subdivision does not mean that its maintenance is automatically a responsibility of local government.

□ **all road allowances:** Regardless of the type of road allowances, it should be clear from the draft plan whether they are open for use by the public, not yet constructed or have been closed. If closed, the date and instrument number by which this was done should be included.

**sanitary sewage disposal** The location of the nearest public sanitary sewer should be shown on the draft plan and a statement included as to whether sanitary wastes are treated before discharge to receiving waters.

Proposed sanitary services must be those intended to be installed and available for use at the time of building occupancies. If a sanitary sewer is to be constructed but not used due to lack of trunk sewers, pumping or treatment facilities, this must be clear from the application. Any temporary sanitary sewage disposal system must be outlined in this case and the approximate time stated when a sewer system will be available for use.

If a public sanitary waste disposal system is not immediately possible, the means of disposal and treatment must be stated. Also, the approximate location on each lot where individual treatment tanks, tile disposal beds, pit privies, etc., could be located should be shown on the draft plan.

**schools** If school sites are required within a proposed plan of subdivision, the site location, size, access and the type of school must be shown.

**site features** ☐ **natural:** Natural features of the subdivision site must be shown, such as watercourses, drainage patterns, swamps, flood limits, wooded areas, erosion, gulleys, ravines, embankments, high water marks, water's edge, rock outcroppings, stumped areas, fire hazards, etc.

☐ **artificial:** The following artificial features, and others of a similar nature, should be shown on the draft plan: drainage ditches, dams, highways, streets, railways, dikes, garbage and refuse dumps and depths of filled areas, etc.



**soil** A statement, by a qualified person, about the nature and porosity of soils within a plan of subdivision must be included with an application. The draft plan must show the location of all test and bore holes made to determine the nature and porosity of the soil, the depth to ground water and bedrock levels, soil bearing capacity and availability of water supply. In addition, the results of such testing should be included with the application.

The department of health has literature about the design and construction of septic tank systems and about soil percolation test methods.

**staging** Subdivision development is sometimes planned to take place over a number of months or years. In such cases, the draft plan should show, by outline, the parts of the plan to be developed and the order in which development is planned.

**storm drainage** The way in which surface water will be carried away and disposed of should be explained — whether by open ditches or a municipal storm sewer. The location of existing public storm drainage systems should be shown on the draft plan. If a storm sewer is to be constructed but not used immediately due to lack of trunk sewer capacity or an adequate outlet, this should be clear from the application. All temporary storm drainage systems should be shown and there should be a statement as to when it is expected a proper system will be available for use.

**street names** Be careful not to duplicate existing street names unless an existing street is extended into a proposed subdivision. In many municipalities, the clerk or the planning board is responsible for avoiding duplication. One of the following courses of action is recommended:

- ☐ Inform the clerk or the planning board about proposed street names while preparing the draft plan of subdivision. Within Metropolitan Toronto, check with the planning board for the metropolitan planning area.
- ☐ If above not possible, identify each proposed street by a letter or number on the draft plan. The actual names can be decided later by the subdivider and the clerk, or the planning board, and will be included in the recommendation of the municipality to the minister.

**water frontage** Every draft plan of subdivision having water frontage must show or note:

- the location of the water's edge.
- the location of any flood limits.
- the nature of the shoreline — rocky, treed, sandy, reedy, swampy, stumped, etc.
- the nature of the bed of the water — sandy, gravelly, stony, rocky, marly, etc.
- all public access to the water, existing or to be conveyed.
- the ownership of any water lots in the immediate vicinity.

**water supply** The intended source of water supply for drinking and other purposes must be stated in the application. The intended ownership and responsibility for operation and maintenance of a water supply must also be stated. It must be clear whether filtration and treatment are to be carried out and under what responsibility.

If the source of water is to be from ground water supplies (wells, springs, etc.), there must be information from a qualified person that such a source exists and his opinion that there is adequate quantity and that it is of acceptable quality. When wells are to be used, the number and type to serve the subdivision should be stated.

If surface waters (lakes or rivers) are to be the source of water supply, the opinion of a qualified person about the quality of the water for domestic use is required.

If more than five families are to be served by one private waterworks (well, piped water system, etc.), approval of the provincial water resources commission must be obtained.

If a private water supply system is provided, all lots in the plan will be required to be the same size as those when a water system is not provided. This does not apply if the system is to be assumed by the municipality by agreement with the subdivider.





# DRAFT PLAN OF SUBDIVISION

PART OF LOT 12 CON. XIII

TOWN OF THURSO





## KEY PLAN

### OWNER'S AUTHORIZATION

I AUTHORIZE *J.P. Thomas*  
TO PREPARE AND SUBMIT  
THIS DRAFT PLAN OF  
SUBDIVISION TO THE  
MINISTER OF MUNICIPAL  
AFFAIRS FOR APPROVAL

JAN. 15, 1969 *J.P. Thomas*

### SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE  
BOUNDARIES OF THE  
LAND TO BE SUBDIVIDED  
ARE CORRECTLY SHOWN

JAN. 15, 1969 *J.P. Thomas*

*Q.L.S.*

### ADDITIONAL INFORMATION

#### UNDER SECTION 28(2) OF THE PLANNING ACT

- a AS SHOWN ON DRAFT PLAN
- b SHOWN ON KEY PLAN
- c AS SHOWN ON DRAFT AND KEY PLANS
- d RESIDENTIAL, SINGLE FAMILY
- e TO NORTH AND WEST, RESIDENTIAL AND COMMERCIAL; TO SOUTH AND EAST, AGRICULTURAL
- f AS SHOWN ON DRAFT PLAN
- g AS SHOWN ON DRAFT AND KEY PLANS
- h MUNICIPAL PIPED WATER AVAILABLE AT THE TIME OF DEVELOPMENT
- i CLAY LOAM-PERCOLATION TESTS ATTACHED
- j AS SHOWN ON DRAFT PLAN
- k SANITARY AND STORM SEWERS, GARBAGE COLLECTION, FIRE PROTECTION, RECREATION PROGRAM, LIBRARY ETC.
- l NONE

# **amendments and revisions**



**minor amendments** It is not necessary or practical to prepare and submit additional plans for minor changes to draft plans. They should be discussed with local municipal officials and information about desired minor amendments made known to the community planning branch. Minor changes can then be accomplished through conditions imposed by the minister at the time of approval, if the draft plan of subdivision is to be approved.

**other changes** Revisions and amendments other than minor ones should be formally submitted to the community planning branch. The date of revision or amendment should be noted and the changes from the original draft plan should be clearly shown.



**draft plan study**



The department sends copies of every draft plan of subdivision to local municipal officials, departments of government, commissions, special authorities and others that may be affected by the proposed subdivision of land. They are requested to return their comments and recommendations as quickly as possible.

The subdivider is notified by the community planning branch that local authorities have been requested to study his plan of subdivision. This is the stage at which formal discussions should take place between the subdivider and local authorities about such matters as site access, rate and density of development, availability of public services, school sites, public open space, etc. Settlement of the last two provisions is especially important as they affect the entire design of subdivision layouts.

**study process** When all comments and recommendations have been received, they are studied by branch staff. The study process depends upon:

△ the nature and number of recommendations; where there appear to be conflicting recommendations, staff is responsible for sorting out, clarifying and settling any differences.

△ the extent of co-operation between the municipality and the subdivider.

△ the extent to which the procedures and legislative requirements for preparing and submitting draft plans of subdivisions are followed; improperly prepared plans only result in delays.

Draft plans are not circulated or approved if they appear to department staff not to conform with any official plan in force or any policy of the government.

After the study process is completed, a recommendation is then made for or against the approval of a plan of subdivision, together with appropriate conditions for each draft plan to be approved.





**draft approval**

## **conditions of draft approval**

When a draft plan is approved, a copy of the approved plan is sent to the owner, or his agent, with the conditions of draft approval. Copies of the notice of approval and of the conditions are also sent to all of the authorities consulted before approval.

When a draft plan has been approved, the owner may rough-grade roads, authorize the surveying of the plan as approved and the preparation of a final plan. He also arranges to meet the conditions of draft approval, including written agreements with the municipality, other agencies and authorities.

Most draft plans of subdivision are approved subject to conditions. The purpose is threefold:

△ to ensure that changes to subdivision layouts considered essential by the minister are made; that federal, provincial and local interests are generally satisfied and that there is compliance with policies and procedures of the minister.

△ to give local governments authority to make binding legal agreements with subdividers on local matters, in accordance with the conditions of draft approval.

△ to require that necessary agreements be made and direct action taken to satisfy the terms of draft approval.

All conditions to the approval of a draft plan of subdivision must be satisfied by work being done, conveyances and transfers made and written agreements executed before a final plan of subdivision can be recommended to the minister for approval.

# **the minister and the subdivider**

The minister will require that certain procedures and minimum standards be met in the interests of sound development practice. He will require changes to any plan of subdivision where the design concept is considered to be unsound; the proposed plan will make development of adjacent lands awkward or impossible; the plan encroaches on a flood plain or the top of an embankment subject to possible erosion; the streets in the plan and on adjacent properties are not aligned or create poor or dangerous intersections; road and highway widenings are required; lot sizes and road widths are less than acceptable minimum standards; schools are required; public open space or other sites are acquired; or for other similar reasons.



**road allowances**     $\Delta$  **closing or stopping up:** All original surveyed road allowances and those dedicated by previous registered plans of subdivision must be properly closed if they are to be included as part of proposed lots in a plan of subdivision.

Some local by-laws to close up road allowances require the further approval of a county or district judge, the minister, or the lieutenant-governor in council before the allowances can be considered closed.

$\Delta$  **dedication:** All allowances for roads will be required by the minister to be dedicated for public highway purposes.

$\Delta$  **minimum widths:** Generally, all allowances for roads will be required to be a minimum width of 66 feet. Some may be wider and some, with local concurrence, may be less than 66 feet but not less than 50 feet. Road maintenance grant policies of the department of highways are a factor in determining road widths.

$\Delta$  **widening:** Quite often, widening of existing road and highway allowances and of rights-of-way are necessary. If so, it is normal to require the dedication of such widenings. Whenever a road allowance in a plan of subdivision intersects a county road or provincial highway, the dedication of triangles to ensure clear sight lines will also be required. In the case of provincial highways, there is compensation for land dedicated for highway purposes following registration of a plan of subdivision.

### **reserves and public road allowances**

Reserves are strips of land normally one foot wide located within, or adjacent to, the boundary of a road allowance for the purpose of temporarily or permanently controlling access to adjacent land — especially if subdivision control is not in force.

If for permanent control, all reserves must be located immediately adjacent to but not within the boundary of a road allowance.

All reserves are normally required to be conveyed in fee simple to a municipality, except in the case of provincial highways, when they are conveyed in fee simple to the department of highways. Reserves for temporary control are located within, and immediately adjacent to, the road allowance limit.

**land for public open space** Five percent of the area of each residential or resort subdivision is normally required by the minister to be conveyed to the municipality for public open space purposes. Sometimes the parcel is not large enough or is not well located for public open space purposes. In such cases, an application may be made to the minister for his authorization to permit a municipality to accept money, or land and money, to the value of five percent of the subdivision site. Such value is the market value that prevails immediately following approval of the draft plan. The money is deposited in a special account and must be used by the municipality to acquire land for park purposes unless the minister approves of other uses.

The minister's authorization to accept cash in lieu of land is given only after he is satisfied that necessary public open space is available or is being provided in the vicinity of a plan of subdivision — preferably in accordance with a municipal public open space program.

**approvals** When necessary, a condition will be made requiring direct evidence to the minister of approval of proposed water supply, sanitary waste disposal, treatment and drainage systems or assurances that the location, size and shape of necessary school and public open space sites have been settled. There are other similar situations to which such a condition might apply.

**zoning by-laws** In areas where zoning by-laws are not in force, subdividers are normally required to give a municipality, in writing, a consent to the passing of an appropriate zoning by-law by the local council. In some cases, it may be a condition of draft approval that final approval of a plan of subdivision will depend on such a by-law being passed.

Where local zoning by-laws are in force, the provisions of the by-laws must be taken into account. The minimum standards of the minister will prevail, however, in cases where public water or public sewers are not available, unless local requirements are greater.

# **the municipality and the subdivider**

In some cases, the minister will set the general nature of changes to be made to a plan of subdivision and will require that the details of the changes be settled between the subdivider and local municipal staff.

**road allowances....widening** It is not possible, in all cases, for the minister to set precisely the boundary of necessary widenings due to curves, proposed cuts, fill or new grades, for example. In such cases, it is generally required that the boundaries be set to the satisfaction of the municipality.



**public open space** When a plan of subdivision does not include public open space and this is considered necessary, the location, size and shape are decided between the subdivider and the municipality.

**agreements** All of the conditions to approval of a draft plan of subdivision which can be completed before approval of a final plan should be done. All others should be the subject of one or more binding agreements between the municipality and the subdivider.

Before approval of a final plan, a letter is to be sent to the branch from the municipality notifying that the conditions of draft approval have been met or that enforceable agreements have been made with the subdivider.

These agreements normally cover such matters as: staging of development; municipal services and utilities; minimum road standards; minimum construction and material standards; conveyance of land or cash value in lieu; site grades; access to the site; oversize services; certain costs chargeable against a development; site plans; demolition or removal of existing buildings and construction buildings; liability; maintenance responsibility; assumption of services, utilities, roads, etc., by a municipality; necessary conservation measures not within the scope of a conservation authority; form and amount of bonding or other like assurances.

# **withdrawal of approval**

Approval of a draft plan may be withdrawn by the minister. Such an action is not taken without written notice of the minister's intention to the owner or his authorized agent.

The most common ground for withdrawal of approval is lack of action by the subdivider to proceed to final approval and registration of a plan of subdivision within a reasonable time.







**final approval**

Final plans of subdivision are prepared by a licensed land surveyor in accordance with the registry act, the land titles act and the surveys act. If further details of survey requirements are needed, see the code of standards and procedure for surveys and plans under the land titles act.

A final plan of subdivision will be approved when there is written assurance from the municipality that the conditions of draft approval have all been fulfilled, or will be fulfilled under the terms of a binding agreement between the municipality and the subdivider. Changes in the plan by the owner at this stage will delay final approval.

## **copies and certificates**

Before plans of subdivision are submitted to the minister for his final approval, they should be properly prepared together with all necessary certificates, affidavits, certifications, etc., duly signed, witnessed when required, and dated.

All copies should be submitted for approval before any are mounted. When the minister has given his final approval to a plan of subdivision, the plans may then be tendered for registration, following mounting of certain copies for use in registry and land titles offices.

**number and types of copies** Four types of copies are normally required in the following quantities: an original; four opaque (non-transparent) copies; one tracing on white linen for mounting; and two paper prints. More copies will be requested if needed.

**certificates of approval** The approval of the minister of municipal affairs requires a space on the plan two inches high and four inches wide. If the approval of the minister of lands and forests is also required under the public lands act, an additional space three inches high and four inches wide will be required. Space for all other affidavits, certifications, etc., should be provided when the final plan is being laid out.

**dedication of land for public purposes** The owner's certificate should include the dedication of land for public purposes. This includes allowances for roads, lanes, pedestrian ways and for the widening of existing allowances for such purposes when required.

## **letters of clearance**

When conditions of approval have been carried out and binding agreements made about those which cannot be met before registration, letters of clearance are forwarded to the minister by the municipality and by other authorities to which the minister has required the subdivider to give undertakings, make agreements, convey land, etc. These letters should be mailed, should clearly state which conditions are referred to, and briefly describe the manner in which the requirements of the minister have been fulfilled.

## **approval of plan**

Provided that the final plan does not contravene local zoning by-laws, is in conformity with any official plan in force, conforms to the approved draft plan and that required letters of clearance are satisfactory, the final plan will usually be approved within 24 hours.

## **disposition of copies**

After approval, all copies of the final plan, except those required by the branch, are returned to the applicant so that the plan can be mounted and registered in the appropriate registry or land titles office. On endorsement by the registrar or local master of titles, a copy is sent to the municipality. Where there is a joint planning board, the branch sends the board a copy.



The tables below illustrate the disposition of final plan copies. When the plan is to be registered under the registry act, the registrar will require:

legal type	physical type	disposition
original	one transparent linen	for deposit and retention
true copy	one linen tracing (or approved print) mounted on millboard	for deposit and retention
duplicate	one transparent linen tracing (or approved transparent linen print) unmounted	for endorsement and return by registrar to the local municipality

When the plan is to be registered under the land titles act, the local master of titles will require:

legal type	physical type	disposition
plan	original drawn linen (not coloured)	for deposit and retention
mounted duplicate plan	approved opaque white linen print, mounted and coloured	for deposit and retention
duplicate plan	approved linen print, not coloured	for endorsement and return to the local municipality by local master of titles

The community planning branch will require:

legal type	physical type	disposition
true copy	one approved transparent print unmounted	for retention
true copy	one approved transparent print unmounted	required only when there is a planning area comprising two or more municipalities, for transmission to the planning board to be held until permanent file copy is returned by registrar or local masters of titles, whereupon copies sent to other provincial departments where necessary
true copy	one paper white print unmounted	

Where section 65 of the public land act applies, the department of lands and forests will require:

legal type	physical type	disposition
true copy	one linen tracing unmounted and uncoloured	for retention

## **changes to final plans**

Although not frequent, there are occasions when changes to plans of subdivision are necessary following final approval by the minister; e.g. death of an owner or mortgagee, additional survey requirements, etc.

In such cases, the matter should be brought to the attention of the minister and the best means of accomplishing the necessary changes will be discussed and decided.

## **withdrawal of approval**

If a plan of subdivision is not registered within one month of the date of final approval, the minister has authority to withdraw his approval.

This authority has been used when it was necessary to replace a set already approved by the minister but which were later decided not to be in a registrable form for reasons noted above.







**authority**

**the planning act**

**section 28**  
**subsections 1 and 2**

**28(1)** When land is to be subdivided for the purpose of being sold, conveyed or leased in lots by reference to a registered plan of subdivision, the owner of the land or someone authorized by him in writing shall forward at least eight, or as many as may be required, copies of a draft plan thereof drawn to scale, together with an application for approval, to the minister.

NOTE.—Section 86 (8) of **the registry act** and section 161 (1) of **the land titles act** provide that no plan of survey or subdivision to which **the planning act** applies shall be registered unless approved under this act.

**28(2)** The draft plan shall show the boundaries of the land to be subdivided, certified by an Ontario land surveyor, and shall indicate,

- a** the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
- b** on a small key plan, on a scale of not less than one inch to 1,000 feet, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which the applicant has an interest, and the information specified under clause c;
- c** every adjoining subdivision and the relationship thereto of the lands proposed to be subdivided, and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
- d** the purpose for which the lots are to be used;
- e** the nature of the existing uses of adjoining land;
- f** the approximate dimensions and layouts of the proposed lots;
- g** natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided, and anything within or adjacent to such land that constitutes a fire hazard to the proposed subdivision;
- h** the availability and nature of domestic water supplies;
- i** the nature and porosity of the soil;
- j** such contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- k** the municipal services available or to be available to the land proposed to be subdivided;
- l** the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.





**subdivision**



























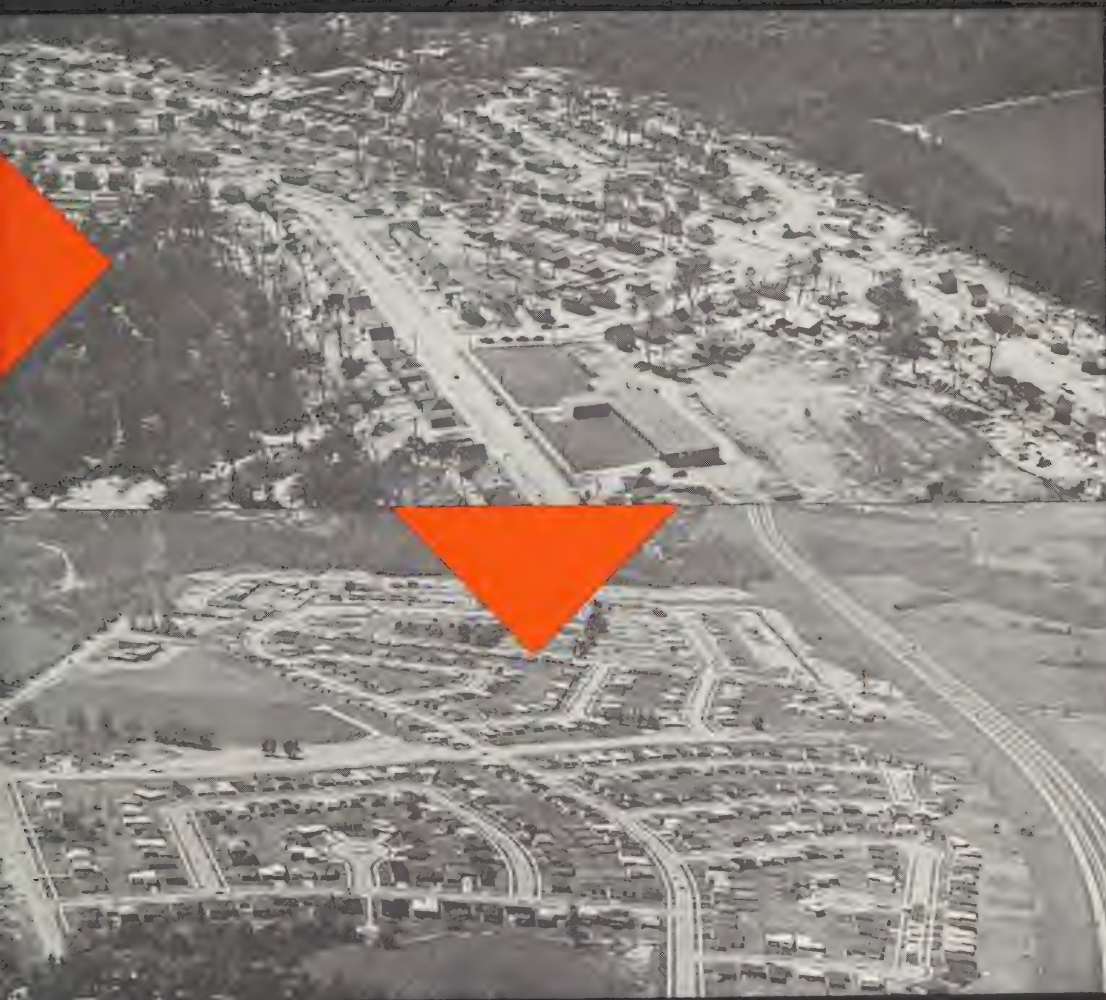














**so you still want to subdivide?**

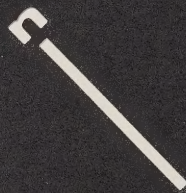


**call . . .**



**administrative  
districts**

**6**







**1** **365-5791** BRANT, ELGIN, ESSEX, HALD-  
MAND, HURON, KENT, LAMBTON, MIDDLESEX,  
NORFOLK, OXFORD, PERTH.

**2** **365-5786** BRUCE, DUFFERIN, GREY, HAL-  
TON (NORTHWEST), NIAGARA, PEEL (NORTHWEST),  
WATERLOO, WELLINGTON, WENTWORTH.

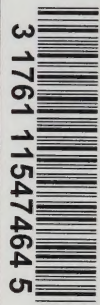
**3** **365-5781** DURHAM (SOUTHWEST), HAL-  
TON (SOUTHEAST), ONTARIO (SOUTH), PEEL (SOUTH-  
EAST), YORK (SOUTH), METROPOLITAN TORONTO.

**4** **365-6404** DURHAM (NORTHEAST),  
NORTHUMBERLAND, ONTARIO (NORTH), PETER-  
BOROUGH, SIMCOE, VICTORIA, YORK (NORTH).

**5** **365-5784** FRONTENAC, HASTINGS,  
LANARK, LEEDS AND GRENVILLE, LENNOX AND  
ADDINGTON, OTTAWA-CARLETON, PRESCOTT AND  
RUSSELL, PRINCE EDWARD, RENFREW, STORMONT,  
DUNDAS AND GLENGARRY.

**6** **365-5557** ALGOMA, COCHRANE, HALI-  
BURTON, KENORA, MANITOULIN, MUSKOKA,  
NIPISSING, PARRY SOUND, RAINY RIVER, SUDBURY,  
THUNDER BAY, TIMISKAMING.





3 1761 11547464 5